

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LANCE MILES FUNDERBURK,

Plaintiff,
-against-
C.O. "JOHN" BARIONNETTE (#7739) et al.,
Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 5/18/2020

1:19-cv-10365 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

In a letter dated February 27, 2020, counsel for Interested Party the City of New York requested a stay of this action pending the results of an internal investigation by the Department of Corrections into the events alleged in Plaintiff's complaint [ECF #21]. In an Order dated February 28, 2020, the Court granted a stay of 60 days and directed counsel for the City to inform the Court of the status of the Department of Corrections investigation before the expiration of the stay [ECF #22]. In a letter dated April 17, 2020, counsel for the City informed the Court that the investigation is ongoing and again requested a stay of this action pending the results of the investigation [ECF #24]. Weighing the seriousness of the allegations in Plaintiff's pleading [ECF #23] and the prejudice to him from further delay against all of the reasons the City cites for continuing the stay, including difficulties created by the spread of COVID-19, the Court finds good cause to continue the stay of this action until July 7, 2020.

Accordingly, IT IS HEREBY ORDERED that counsel for the City shall inform the Court of the status of the Department of Corrections investigation by July 1, 2020. IT IS FURTHER ORDERED that counsel for the City shall inform the Court within five days of the completion of the investigation. In that letter, counsel shall explain the conclusions of the investigation and

inform the Court whether the Individual Defendants are represented by the New York City Law Department.

SO ORDERED.

Date: May 18, 2020
New York, NY

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge